

SENATE BILL 2196

By Burks

AN ACT to amend Tennessee Code Annotated, Section 8-21-401; Section 39-17-452; Title 57, Chapter 5 and Title 67, Chapter 4, Part 7, relative to synthetic drugs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-452, is amended by adding the following language as a new subsection:

(d)

(1) In addition to the punishment as provided in subsection (c):

(A) When any business, vocation, or occupation taxable under § 67-4-701 and holding a license or permit issued pursuant to 67-4-723 is convicted of or pleads guilty to or enters a plea of nolo contendere to any violation of this section, all such licenses or permits shall be suspended or revoked by the commissioner of revenue or the issuing official, pending appeal, as of the date of the entry of judgment or plea agreement, and no such license or permit shall be reissued to such person for a period of at least sixty (60) days following the final action of the court. Enforcement of subdivision (d)(1)(A) shall be the duty of the commissioner of revenue.

(B) When any person holding a license or permit issued pursuant to § 57-5-103 is convicted of or pleads guilty to or enters a plea of nolo contendere to any violation of this section, all such licenses or permits shall be suspended or revoked by the local board or authority issuing the license or permit, pending appeal, as of the date of the entry of the judgment or plea agreement, and no such license or permit shall be

reissued to such person for a period of at least sixty (60) days following the final action of the court. Enforcement of subdivision (d)(1)(B) shall be the duty of the county legislative body, committee or board which issued the license or permit.

(2) Upon a conviction as provided in subdivision (1), it is the duty of the clerk of the court where such conviction or plea is entered to notify the commissioner of revenue or local official, as appropriate, who issued the license or permit, or both, concerning the action of the court. The clerk may charge a fee as provided in § 8-21-401 for such notification. The commissioner or issuing official so notified shall automatically suspend or revoke the license or permit in accordance with the notification received from the court for a period established pursuant to subsection (d).

SECTION 2. Tennessee Code Annotated, Section 67-4-703(a), is amended by designating the existing language as subdivision (1) and by adding the following language to be designated as subdivision (2):

(2) The commissioner shall suspend or revoke a license or permit upon receipt from the clerk of court in accordance with § 39-17-452 that a business, vocation, or occupation taxable under § 67-4-701 and holding a license or permit issued pursuant to 67-4-723 has been convicted of selling synthetic derivatives or analogues of methcathinone in violation of § 39-17-452.

SECTION 3. Tennessee Code Annotated, Section 67-4-723, is amended by adding the following language as a new subsection (e):

(e) If a taxpayer issued a license or permit pursuant to this part sells synthetic derivatives or analogues of methcathinone in violation of § 39-17-452, then the license

or permit of the taxpayer shall be revoked by the commissioner, in accordance with § 67-4-703(a)(2), upon a conviction of selling such substances.

SECTION 4. Tennessee Code Annotated, Section 57-5-301, is amended by adding the following language as a new subsection:

(g) If a license or permit holder engaging in the business regulated hereunder or any employee thereof sells synthetic derivatives or analogues of methcathinone in violation of § 39-17-452, then the license or permit shall be revoked in accordance with 57-5-108(n).

SECTION 5. Tennessee Code Annotated, Section 57-5-108, is amended by adding the following language as a new subsection (n):

(n) The county legislative body, committee or board which issued the license or permit under this chapter, shall revoke the license or permit upon receipt from the clerk of court in accordance with § 39-17-452 that the person to whom the license or permit was issued has been convicted of selling synthetic derivatives or analogues of methcathinone in violation of § 39-17-452.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.